IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13966 of 2005

Between:

Muppuraju Satyanarayana, S/o Rama Rao,
Bommuru, Kadiam Mandal, East Godavari District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Kovvur, West Godavari District.
2 The District Collector, West Godavari, Eluru.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land to an extent of Ac.0.21 in Sy.No.116/1 to an extent of Ac.0.03 cents in Sy.No.114/1A and to an extent of 0.02 cents in Sy.No.113/2 situated in Kovvur, West Godavari District, without initiating the land acquisition proceedings and without following due process of law as illegal and arbitrary and consequently direct the respondent to follow due process of law.

Counsel for the Petitioner: MR.POLISETTI RADHA KRISHNA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

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This writ petition is filed to issue a writ of *mandamus* declaring the action of respondents in trying to dispossess the petitioner from the land to an extent of Ac.0.21 cents in Sy.No.116/1, to an extent of Ac.0.03 cents in Sy.No.114/1A and to an extent of 0.02 cents in Sy.No.113/2 situated in Kovvur, West Godavari District, without initiating the land acquisition proceedings and without following due process of law, as illegal and arbitrary.

2. The learned counsel for the petitioner submits that petitioner is the absolute owner and possessor of the land admeasuring to an extent of Acs.5.20 cents in Sy.Nos.112/1B, 113/2, 113/2A, 114/1A, 114/3A, 116/1, 116/3A of Kovvur, West Godavari District. The petitioner purchased the said land in his wife's name in the year 2004, for consideration, from one, Mr.Mohanlal Agarwal representing M/s.Jeeveka Khandsani Sugar Mills, Hyderabad. Originally, the said land belongs to M/s.The Southern Pesticides Corporation Ltd., which was auctioned on the direction of the Hon'ble High Court of A.P. and a liquidator was appointed to pursue the sale transactions. The Mohan Lal Agarwal, who is the vendor to the petitioner, purchased the said property in auction held by the official liquidator. Though the High Court of A.P. has directed official liquidator in R.C.C.No.2 of 2002 to execute the sale deed in favour of the petitioner and his wife, the sale deed was not executed. It is submitted that on 27-06-2005 without any notice or information to the petitioner, the first respondent office officials visited the land in Sy.Nos.116/1, 113/2, 0.3 cents in Sy.No.114/1A, 0.02 cents in Sy.No.113/2 and took measurements and prepared sketch to distribute the said land under Rajiv Gruhakalpa Scheme. Hence, the present writ petition.

3. Though time has been granted to the learned Government Pleader for Revenue, he reported ‘no instructions’.

4 . Having regard to the facts and circumstances of the case, the Writ Petition is disposed of, at the stage of admission, directing the respondents not to take the possession of the land of petitioner to an extent of Ac.0.21 cents in Sy.No.116/1, to an extent of Ac.0.03 cents in Sy.No.114/1A and to an extent of 0.02 cents in Sy.No.113/2 situated in Kovvur, West Godavari District, without initiating the land acquisition proceedings and without following due process of law. No order as to costs.

5. The writ petition is disposed of accordingly. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated 01-07-2005.

skmr

..... REGISTRAR

Copy to:

1 The Mandal Revenue Officer, Kovvur, West Godavari District.
2 The District Collector, West Godavari, Eluru.

3 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

2 CD copies

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